

PROVIDING FOR THE CONSIDERATION OF HOUSE JOINT
RESOLUTION 73, THE TERM LIMITS CONSTITUTIONAL
AMENDMENT

MARCH 15, 1995.—Referred to the House Calendar and ordered to be printed

Mr. GOSS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 116]

The Committee on Rules, having had under consideration House Resolution 116, by a record vote of 9 to 3, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.J. Res. 73, the Term Limits Constitutional amendment under a modified closed rule. The rule provides three hours of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order only the amendments in nature of a substitute printed in this report. The amendments are considered as read, may only be considered in the order specified, may only be offered by the Member specified or a designee, are debatable for one hour equally divided between the proponent and an opponent, and may be offered notwithstanding the adoption of a previous amendment. If more than one amendment is adopted, the amendment receiving the most affirmative votes is considered as adopted and reported to the House. In the case of a tie, the last such amendment adopted is reported. Finally, the rule provides one motion to recommit, with or without instructions.

The amendments made in order by the rule, by the Member designated and in the order to be offered, and a summary thereof, are

as follows:¹ (1) Frank (MA) #18 to be offered by Representative Peterson (FL) or Dingell (MI)—Makes term limits retroactive; limits lifetime service of House Members to 6 full terms and Senators to 2 full terms; state law could preempt if the limits were less; does not address partial terms or appointments to fill vacancies; (2) Inglis (SC) #4—Limits lifetime service of House Members to 3 terms and Senators to 2 terms; a term is counted for the term limit if more than 50% of the term is served; contains no preemption language; (3) Hilleary (TN) #22—Limits lifetime service of House Members to 6 full terms and Senators to 2 full terms; state law could preempt if the limits were less; does not address partial terms or appointments to fill vacancies; (4) McCollum (FL) #5—Limits House Members to 6 terms and Senators to 2 terms; a term is counted for the term limit if more than 50% of the term is served; does not address preemption.

COMMITTEE VOTES

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Rollcall No. 96

Date: March 15, 1995.

Measure: H.J. Res. 73, Term Limits Constitutional Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Provide an open rule.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

Rules Committee Rollcall No. 97

Date: March 15, 1995.

Measure: H.J. Res. 73, Term Limits Constitutional Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Make in order Frank amendment No. 3, providing retroactive term limits, to be offered to the winning amendment in the nature of a substitute.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

Rules Committee Rollcall No. 98

Date: March 15, 1995.

Measure: H.J. Res. 73, Term Limits Constitutional Amendment.

Motion By: Mr. Quillen.

Summary of Motion: Report rule favorably.

Results: Adopted, 9 to 3.

¹The number designation (#) following the name of each proponent is the number of the substitute filed in the Congressional Record to H.J. Res. 2. The amendments made in order to H.J. Res. 73 are identical in text.

Vote by Member: Quillen—Yea; Dreier—Yea; Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Waldholtz—Yea; Moakley—Nay; Frost—Nay; Hall—Nay; Solomon—Yea.

AMENDMENTS MADE IN ORDER BY THE RULE

1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERSON OF FLORIDA OR REPRESENTATIVE DINGELL OF MICHIGAN OR THEIR DESIGNEES

Strike all after the resolving clause and insert the following:

“ARTICLE —

“SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

“SECTION 2. Election as a Senator or Representative before this Article is ratified shall be taken into account for purposes of section 1. Any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.”.

2. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVES INGLIS OF SOUTH CAROLINA OR A DESIGNEE

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

“ARTICLE —

“SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives three times shall be eligible for election to the House of Representatives.

“SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than two times.

“SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.”.

3. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILLEARY
OF TENNESSEE OR A DESIGNEE

Strike all after the resolving clause and insert the following:
That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

“ARTICLE —

“SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

“SECTION 2. Election as a Senator or Representative before this Article is ratified shall not be taken into account for purposes of section 1, except that any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.”.

4. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCCOLLUM OF FLORIDA OR A DESIGNEE

Strike all after the resolving clause and insert the following:
That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

“ARTICLE —

“SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

“SECTION 2. No person who has served as a Senator for more than three years shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

“SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.”.